

The Chairman, Christopher Fejes called the meeting to order at 7:30 P.M., on Tuesday, November 20, 2001.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Walter Storrs

Also Present: Mark Stimac
Bob Davisson
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF OCTOBER 16, 2001

Motion by Courtney
Supported by Maxwell

MOVED, to approve the minutes of the meeting of October 16, 2001 as written.

Yeas: 7 – All

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. EAST LONG LAKE PROPERTIES, L.L.C., 906 E. LONG LAKE, for relief of the Zoning Ordinance to expand a non-conforming structure and construct an addition to the existing office building at 906 E. Long Lake.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition to the existing office building at 906 E. Long Lake. Based upon the ultimate Right of Way of Long Lake Road in front of this property, the front setback to the existing building is 5.71 feet. Section 30.20.04 requires a 25' minimum front yard setback in the B-1 (Local Business) Zoning District. As such, this existing building is a legal non-conforming structure. The petitioners are proposing to construct an addition on the rear of the structure. Section 40.50.04 prohibits the expansion of legal non-conforming structures.

Mr. Maxwell asked what would happen if the City widens Long Lake Road. Mr. Stimac explained that the future right of way line does not go through the building. Mr. Stimac went on to say that it is not possible to say at this time if the building would have to be removed as part of that purchase. That would depend on the specifications of the right-of-way purchase at the time of the project.

Mr. Hutson asked Mr. Stimac to explain the Mapped right of way. Mr. Stimac stated that the master plan of the City shows basically a 150' right of way. Mr. Stimac went on to say that there are two areas designated as governed by a Mapped Improvement Plan, one of which is at Livernois and Long Lake and the other which is at Rochester and Long Lake. This plan allows for a parcel-by-parcel designation of what the ultimate right

ITEM #2 – con't.

of way should be to fit the actual improvements. Mr. Hutson asked if the City had any plans in the near future to acquire additional land. Mr. Stimac stated that he is not aware of any immediate plans for the City to purchase additional property. Mr. Stimac then went on to explain that Section 31.30.00, paragraph R, requires that setback regulations be measured from the ultimate right of way, as shown on the Master Thoroughfare Plan. Mr. Hutson stated that if the proposed building were freestanding, it would comply with the Ordinance, due to the fact that it was out of the required setback.

Mr. Courtney asked if the petitioner were to come in with a request to put up a new freestanding building, if it would meet the lot requirements. Mr. Stimac stated that in the B-1 Zoning District there is no maximum lot coverage. Mr. Stimac went on to say that the controlling factors would be parking and landscaping. Mr. Courtney then asked how high a building could be in the B-1 Zoning District and Mr. Stimac replied that it is limited to one-story.

Mr. Storrs asked if the proposed building was not connected to the main building, if it would comply with the Ordinance. Mr. Stimac stated that the new construction would comply. Mr. Stimac went on to say that because the proposed construction was connected it was considered to be an expansion of a non-conforming building.

Mr. Al Decker, part owner of East Long Lake Properties was present and stated that their hardship is due to the fact that Long Lake was widened and they were put in a position of non-conformance. The existing building was there before Long Lake was widened and feels that the City placed them in this position. Mr. Decker went on to say that he did not know if they would be required to have special firewalls if the buildings were to be separated. Mr. Stimac stated that the construction of the building would not have to be changed if he put up a separate building.

Mr. Fejes asked what type of business this was, and Mr. Decker stated that they are in the Realty Business. Mr. Courtney asked why the petitioner wanted the connector and the petitioner stated that they were trying to make the site more aesthetically pleasing and he also wishes to make the property more desirable to future tenants. Mr. Decker went on to say that they wished to make other improvements in the future, such as changing the brick and adding a canopy. Mr. Stimac explained that the addition of panel brick is not considered an expansion, but if the canopy did not meet the 25' setback, a variance would be required.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Kovacs asked if Mr. Stimac was aware of any plans for the City to acquire additional property on Long Lake for the right-of-way and Mr. Stimac stated that there is no additional expansion that he was aware of planned within the next five years.

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At this time, the petitioner stated that he wished to withdraw his request. No further action taken by the Board.

ITEM #3 – VARIANCE REQUESTED. SUSAN IM, 2586 PORTOBELLO, for relief of the rear yard setback to construct a 3-season patio room.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 3-season patio room at 2586 Portobello. The site plan submitted indicates that the proposed patio room would result with a rear yard setback of 29.7'. Section 30.10.06 of the Zoning Ordinance requires a 35' minimum rear yard setback in the R-1E Zoning District.

Mr. Bill Davis of Champion Window Company was present and stated that he feels that this is a very small lot with a large house, and would like to add a 3-season 12' x 14' patio room, to allow the petitioner to be able to enjoy their back yard free of insects.

Mr. Maxwell asked what the plans were for the existing deck, and Mr. Davis said that they planned to remove the deck and place the patio room in this location. Mr. Davis went on to say that they were going to put in new footings. Mr. Maxwell also questioned the setbacks for the existing deck and Mr. Stimac stated that the Ordinance allows for an uncovered and unenclosed deck to encroach into the rear yard setback up to 15', but not less than 25' from the rear property line.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are three (3) written objections on file.

Motion by Courtney
Supported by Hutson

MOVED, to deny the request of Susan Im, 2586 Portobello, for relief of the rear yard setback to construct a 3-season patio room.

- Petitioner did not demonstrate a hardship.

Yeas: 6 – Hutson, Maxwell, Storrs, Courtney, Fejes, Gies
Nays: 1 – Kovacs

MOTION TO DENY REQUEST CARRIED

Mr. Hutson stated that Mr. & Mrs. Valente have been clients as well as friends of his for twenty years, and he wished to excuse himself from hearing Item #4.

Motion by Kovacs
Supported by Storrs

MOVED, to excuse Mr. Hutson from hearing Item #4.

Yeas: 6 – Kovacs, Maxwell, Storrs, Courtney, Fejes, Gies
Abstain: 1 – Hutson

MOTION TO EXCUSE MR. HUTSON CARRIED.

ITEM #4 – VARIANCE REQUESTED. TONY & DOREEN VALENTE, 132

ASPINWALL, for relief of the Ordinance to maintain an addition to a detached garage that exceeds the maximum allowable square footage requirement.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to maintain an addition to a detached garage. The application submitted indicates a 480 square foot addition has been built to an existing 1200 square foot detached garage, resulting in a 1680 square foot building. This addition was constructed without first obtaining a building permit. Section 40.57.04 limits the size of all accessory buildings on a parcel of land to 600 square feet or one-half the ground floor area of the main building whichever is greater. The house footprint is 2145 square feet. As such, accessory buildings are limited to 1073 square feet on this site.

Mr. Maxwell questioned Mr. Stimac as to the height of the building, and Mr. Stimac stated that the original structure complied with the height requirements, but he has not seen the plans for the proposed structure and could not say if the height of this addition also complied. Mr. Maxwell expressed concern over the height of the building.

Mr. Courtney asked how the original garage was built to 1200 square feet. Mr. Stimac explained that in 1988 a building permit was submitted for a 1200 square foot garage, and was denied. The plans were then revised to reduce the building size to comply with the Ordinance, however the structure was built to the original larger specification. The Building Department did not notice the discrepancy at the time of final inspection.

Mr. and Mrs. Valente were present and Mr. Valente stated that he likes cars as well as being involved in car shows and car racing. Mr. Valente went on to say that this is a very large lot, and due to the fact that his family owns a large number of vehicles as well as lawn equipment, he needs the extra space for storage. Mr. Valente also said that the addition would not be visible from the road. Mr. Valente further stated that he helps his neighbors and gets along with them.

Mr. Courtney asked how the original building was put up larger than allowed for, and Mr. Valente stated that he had hired someone to do the work and did not know how the building was made larger. Mr. Courtney then went on and asked Mr. Valente about the addition, and Mr. Valente stated that he just started to put it up. Mr. Courtney also asked about a shed on Mr. Valente's property and if it would count for the maximum

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square footage allowed. Mr. Stimac stated that the Building Department was not aware of the shed, however, the square footage would be considered in the total amount of accessory buildings. Mr. Valente stated that he did not get a building permit for the shed, but if he received his variance request, he would take the shed down.

Mr. Maxwell asked about the height of the pole barn and Mr. Valente stated that he thought it was approximately 15'8". Mr. Fejes asked if Mr. Valente had thought of what he was going to do if his request was denied and Mr. Valente stated that if he had to take it down he would. Mr. Fejes expressed concern over the size of the variance request and Mr. Valente stated that he needed the room to be able to work on his cars and store equipment. Mr. Fejes asked how many vehicles were in the family, and Mr. Valente stated that they owned right around ten (10) cars. Mr. Fejes went on to say that one of the objections brought up the fact that they thought a commercial business was being run out of the garage. Mr. Valente stated that his sons are attending college and have a grass cutting business.

Mr. Maxwell stated that in one of the objections, it was stated that there is a large trailer, and a motor home. Mr. Valente stated that he has a trailer to haul his racecars, a motor home, a van, pickup trucks and a tractor. Mr. Maxwell went on to say that this is a very large lot, and he feels that it can sustain a building of this size. Mr. Maxwell asked if the Valente's would be willing to shield this area from their neighbor and Mrs. Valente stated that they could add shrubbery in the area.

Mr. Kovacs and Mr. Courtney asked Mr. Valente if he was aware that he needed permits for the addition and shed and Mr. Valente stated that he did know.

The Chairman opened the Public Hearing.

Mr. Stefan Karpov, 154 Aspinwall was present and stated he lives next door to the Valente's. Mr. Karpov went on to say that he has had a good relationship with the petitioner, however he is very concerned about the lack of regard the petitioner shows for the laws in the City. Mr. Karpov said that even when Mr. Valente is told that he cannot do something, he goes ahead and does it anyway. Mr. Karpov also stated that in 1988, the neighbors had presented a petition to the City objecting to the size of the garage. Mr. Karpov went on to say that he believes that the people that approve of this request, are the neighbors that cannot see the construction on this site or the large vehicles that are parked next to his lot. Mr. Karpov went on to say that he and his wife have added many improvements to their property and is concerned over the fact that he believes his property value will go down if the Board grants this variance. Mr. Karpov said that they have added trees and shrubs in an attempt to screen Mr. Valente's property from his. Mr. Karpov stated that the buildings on this property look more like a small factory than a garage. Mr. Karpov expressed concern over the height of the building also. Mr. Karpov suggested that if Mr. Valente wants to add on to his garage, or building another building, he should put it on the other side of the lot.

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Mr. Courtney asked Mr. Karpov if he realized that this addition was going on the back of the existing garage and Mr. Karpov stated that he did. Mr. Courtney then asked how much of the structure would be visible from Mr. Karpov's property and he stated that all of it was visible. Mr. Karpov again stated that if the petitioner wanted extra storage space he should put it on the other side of the property.

Mr. Maxwell pointed out that if the Board were to deny Mr. Valente's request, he would have to remove the addition and items would then be in plain view. Mr. Maxwell stated that he was hoping there could be some kind of compromise. Mr. Karpov stated that if Mr. Valente needs the extra space, he would prefer he build a building on the other side of the property. Mr. Karpov also asked if the back of the property, would be cleared, or if Mr. Valente would still store his equipment at the back of the property. Mr. Maxwell stated that that was one of the details that would have to be worked out. Mr. Karpov also stated that he wanted Mr. Valente to agree to comply with the Ordinance, but would be willing to work with Mr. Valente. Mr. Karpov also indicated that he wished to contact a Real Estate Company to determine if his property values would be affected.

Mr. Fred Phillips, 6120 Niles was present and stated that his street intersects with Mr. Valente's street, and only sees the front of the house. Mr. Phillips stated that he felt that the size of the recreational vehicles, as well as the trailers and other equipment was understated. Mr. Phillips stated that there is a very large backhoe, landscape trailers that were at least 16' long, and a 35' motor home. Mr. Phillips stated that he is in favor of him adding to his property, but he is very concerned that the variance would go with the property and the possibility of a future owner using it as a business would exist. Mr. Phillips also said that he would rather see construction at the back of the lot than the front of the property.

No one else wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are two (2) written objections on file.

Mr. Kovacs stated that he concerned due to the fact that the petitioner deliberately broke the Ordinance and does not feel that the petitioner had demonstrated any type of hardship.

Mr. Storrs asked the petitioner if he had thought of attaching the additional garage to his home, which would not necessitate a variance. Mr. Valente stated that he had not thought of doing that. Mr. Stimac explained that Mr. Valente could add another two-car garage to the main structure, and would be in compliance with the Ordinance.

ITEM #4

MOVED, to postpone the request of Mr. and Mrs. Tony Valente, 132 Aspinwall, for relief of the Ordinance to maintain an addition to a detached garage that exceeds the maximum allowable square footage requirement, until the next regularly scheduled meeting of December 18, 2001.

- Allow the petitioner the opportunity to bring in a proposal for screening.
- Postponing will allow the Building Department to inspect the site and determine the height of the existing building.
- To allow the petitioner the opportunity to work with his neighbor to determine if a viable solution could be met.

Yeas: 4 – Maxwell, Courtney, Fejes, Gies

Nays: 2 – Storrs, Kovacs

Abstain: 1 – Hutson

MOTION TO POSTPONE REQUEST UNTIL MEETING OF DECEMBER 18, 2001
CARRIED

The Board of Zoning Appeals meeting adjourned at 8:52 P.M.

MS/pp